

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13191, of Michaela and Warren Buhler, pursuant to Paragraph 8207.11 of the Zoning Regulations for variances from the open court requirements (Sub-section 3306.1 and Paragraph 7107.22) and the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7107.21) for an addition to a row dwelling which is a non-conforming structure in an R-4 District at the premises 142 North Carolina Avenue, S. E. (Square 734, Lot 84).

HEARING DATE: March 19, 1980

DECISION DATE: March 19, 1980 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the north side of North Carolina Avenue, S. E., in the square bounded by 1st Street, "D" Street, 2nd Street and North Carolina Avenue.

2. The site is zoned R-4. The western most portion of the square is zoned C-2-A, with the remainder zoned R-4. The R-4 portion consists of four apartment buildings and a variety of two and three story row dwellings.

3. The site is presently improved with a two story plus basement row dwelling, and is approximately 2,008 square feet in area.

4. The applicant proposes to add a partial third floor, starting approximately thirteen feet back from the front of the house.

5. The addition will consist of a bathroom, sauna, bedroom and storage areas. An open deck which measures approximately nine feet by eleven feet will be constructed over the rear portion of the second story roof.

6. The site meets the requirements of the R-4 District with respect to lot area, parking, and rear yard.

7. Pursuant to Sub-section 3303.1 of the Zoning Regulations the maximum allowable percentage of lot occupancy for the site is sixty percent or 1,204.8 square feet. The structure at present occupies 1,321.22 square feet. Thus a variance of 116.42 square feet or 9.66% is required.

8. Pursuant to Sub-section 3306.1 an open court of not less than six feet is required. The applicant has an existing open court of 4.41 feet. Thus a variance of 1.59 feet or 26.5% is required.

9. The structure was built in 1909, prior to the adoption of the 1958 Zoning Regulations. The physical configuration of the building was established at the time it was built, and the non-conformities were created as a result of the adoption of the present Zoning Regulations. The applicant does not increase in any way, the present percentage of lot occupancy or decrease the width of the existing open court.

10. The site also has a rear garage at the rear of the property. This garage is computed in the lot occupancy. Because the open court is less than the required six feet, this area is also calculated into the percentage of lot occupancy. The applicant proposes to also follow the line of the existing open court.

11. The roof of the structure is higher at the front, and slopes slightly downward at the rear. This, in addition to the setback of the proposed addition, reduces the visibility of the addition from the street.

12. The applicant submitted a petition in support of the application from adjoining, as well as surrounding, residents.

13. Advisory Neighborhood Commission 6-B, by report dated March 18, 1980, and testimony at the time of public hearing, recommended approval of the application. The ANC based its support on the applicant's inability to extend into the rear yard due to an existing garage. The ANC noted that the addition will not increase the degree of the non-conformity of the structure, and felt that the setback of the proposed addition rendered it virtually invisible from the street or sidewalk. The ANC also noted that the applicant produced a petition of support from adjoining and surrounding residents. The Board so finds.

14. The Office of Planning and Development by letter dated March 13, 1980, and testimony at the public hearing, recommended approval of the application. The OPD noted that the structure was built in 1909, and that the non-conformities exist as a result of the adoption of the present Zoning Regulations. The applicant does not increase the degree of non-conformity. The Board so finds.


15. There was no opposition to the granting of this application.

CONCLUSIONS OF LAW AND OPINIONS:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the requested variances are area variances, the granting of which requires the showing of some exceptional or extraordinary situation of the property which causes a practical difficulty upon the owner. The Board concludes that the location of the structure on the lot at the time of adoption of the Zoning Regulations creates such a practical difficulty. The Board is of the opinion that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zone plan as embodied in the Zoning Regulations and Map. Accordingly, it is ORDERED that the application is APPROVED.

VOTE: 5-0 (Theodore F. Mariani, William F. McIntosh, Connie Fortune, Charles R. Norris and Leonard L. McCants to grant).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 14 APR 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OR PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.